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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/603,430

Applicant(s)

HSU ET AL.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-21 and 23-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-21 and 23-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-10, 14-21, and 23-46 have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 26, 2007 has been entered.

#### ***Claim Objections***

Claims 1-10 and 46 are objected to because of the following informalities: In the seventeenth line of claim 1, the word "including" should be followed by a colon, rather than a period. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-10 and 46**

Claims 1, 2, 3, 4, 5, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. Batham discloses an automated method for authoring product catalogs, wherein the existence of a catalog database for storing and providing data for use in authoring product catalogs (e.g., Figures 1A and 1B; paragraph 0034) inherently requires that the catalog data base has been set up; Batham further discloses authoring a product catalog, including the steps of: updating a product structure, including storing new data (e.g., paragraphs 0036, 0070, and 0089), selecting views for a product wherein said views comprise a respective hierarchical structure of objects of various types (paragraphs 0034, 0055, and 0057), and entering product data for the objects of various types (paragraphs 0046 and 0067); updating and organizing the objects based on respective hierarchical structure such that product content for all required views is

stored in the catalog database (paragraphs 0034, 0055, 0057, 0066, and 0089); generating the catalog (e.g., paragraphs 0034 through 0036); publishing the catalog (e.g., paragraphs 0011 and 0046); and making the catalog available on a web page (paragraphs 0014 and 0036), which is held to constitute delivering it; also, producing a catalog in paper format (paragraph 0012) or as a CD (paragraph 0013) implies delivering it, without which the effort of producing it would have little point. Batham does not expressly disclose associating the new data with respective selected views, but given the disclosure of storing new data and providing views for products, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious and implied advantage of having new products, or products with updated catalog entries, be shown with corresponding product views to attract interest and show what the products are like.

Batham discloses publishing a table of contents (Abstract; paragraphs 0076, 0077, and 0095), which constitutes publishing an organization of a product structure for the catalog and publishing an organization of a product structure for the respective selected views. Batham does not expressly disclose publishing an organization of definitions, styles, and product documents for the respective selected views, but official notice is taken that it is well known to publish organizations of structures in some detail; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to publish an organization of definitions, styles, and product documents for the respective selected views, for the obvious advantage of assisting people is finding desired information.

Batham does not disclose that the product content comprises XML files based on a Document Type Definition, but XML files based on a Document Type Definition are well known, as taught, for example, by Feldman (paragraph 0017). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the product content to comprise XML files based on a Document Type Definition, for at least the obvious and implied advantages of readily enabling content documents to be displayed in different computers with unique hardware and software capabilities while preserving the original format, and defining the embedded format codes to make this possible.

As per claim 2, Batham discloses updating data which can include technical data and/or text descriptions for objects (paragraph 0070). Batham does not expressly disclose updating product graphics for the objects, but official notice is taken that it is well known to update graphics. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to update product graphics for the objects, for the obvious advantage of attracting customers by displaying improved graphic images of products, or graphic images corresponding to new pictures of products.

As per claim 3, Batham implies updating the encoding for the objects (paragraph 0073), and any changes or updating of the objects, such as Batham discloses, can be viewed as updating a character set for the objects.

As per claim 4, Batham discloses entering the content of said objects; and organizing the objects based on the structure of specific views (paragraphs 0034, 0055, 0057, 0066, and 0089).

As per claim 5, Batham discloses entering a set of properties, and attaching said set of properties to an object to further qualify the type of product information represented by the object (paragraphs 0064 through 0066).

As per claim 46, Batham discloses generating a catalog template structure in accordance with document type definition (paragraphs 0012, 0055, 0056, and 0089); generating at least one real catalog object for an instance found of a catalog object (e.g., paragraphs 0075 and 0076); and identifying and extracting content from the database for generating said real catalog object for an instance (paragraphs 0034 through 0036; paragraphs 0075 and 0076). Batham (paragraphs 0055-0069) can be viewed as disclosing parsing and traversing the catalog template structure, but does not disclose evaluating, during said traversing, template objects found in the template structure as variables and catalog objects, wherein an object which is not a variable is considered a catalog object for evaluation; however, official notice is taken that it is well known to treat objects which are not variables as particular objects for evaluation. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to evaluate template objects as recited, for the obvious advantage of appropriately providing for all objects in a catalog to be supplied with appropriate data (e.g., pictures of items for sale, prices, descriptions of

items for sale, etc., instead of blank spaces, or statements like "Insert picture here" where such information should be found).

Claims 6, 8, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham, Feldman, and official notice as applied to claim 2 above, and further in view of Fisher et al. (U.S. Patent 5,392,066). As per claim 6, Batham teaches processing of product graphics (e.g., paragraph 0034), presumably in accordance with the given requirements of enabling the display of images, as described; and discloses extracting prescribed image data from the database (ibid.). Batham does not disclose selectively generating and adding overlays to the product graphics, but it is well known to selectively generate and add overlays, as taught, for example, in Fisher (column 4, lines 23-34; the "pricing and other advertising copy" would inherently have to have been generated). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively generate and add overlays to the product graphics, for the obvious advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

As per claim 8, Fisher teaches combining image data and overlays so as to produce a resulting integrated image (column 4, lines 23-34). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do this, as set forth with regard to claim 6 above.

As per claim 9, Fisher discloses that combining the prescribed image data and overlays comprises integrating the prescribed image data for adding anchorable



information units (AIU's) to the integrated image (column 4, lines 23-34); AIU's are defined sufficiently broadly that the pricing and other advertising copy of Fisher may be regarded as AIU's (the instant application, page 12, lines 20-24). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do this, as set forth with regard to claim 6 above.

As per claim 10, the selective combining of image data and overlays in Fisher (column 4, lines 23-34) provides a format suitable for given viewers (e.g., Abstract). Fisher does not disclose that the format is suitable for given browsers, but official notice is taken that it is well known to provide data and images in a format suitable for given browsers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to combine the overlays for providing a format suitable for given browsers and viewers, for the obvious advantage of making the product catalogs usable and viewable by potential customers.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham, Feldman, Fisher, and official notice as applied to claim 6 above, and further in view of Lev et al. (U.S. Patent Application Publication 2002/0102966). Batham does not disclose that extracting the prescribed image data from the processing of the product graphics comprises extracting data including relevant ID's, labels, and symbols, but Lev teaches extracting from images data including labels and symbols, which may be identifying information and therefore relevant ID's (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the extracting prescribed image data from the processing of the

product graphics to comprise extracting data including relevant ID's, labels, and symbols, for the obvious advantage of assuring that proper labels and symbols are associated with the product images corresponding to and identified as corresponding to respective products.

**Claims 14-37, 43 and 45**

Claims 14, 45, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. As per claim 14, Batham discloses an automated method for authoring product catalogs, wherein the existence of a catalog database for storing and providing data for use in authoring product catalogs (e.g., Figures 1A and 1B; paragraph 0034) inherently requires that the catalog data base has been set up; Batham further discloses authoring a product catalog, including the steps of: selecting views for a product wherein said views comprise a respective hierarchical structure of objects of various types (paragraphs 0034, 0055, and 0057); entering product data for the objects of various types (paragraphs 0046 and 0067); and updating and organizing the objects based on respective hierarchical structure such that product content for all required views is stored in the catalog database (paragraphs 0034, 0055, 0057, 0066, and 0089); publishing the catalog (e.g., paragraphs 0011 and 0046); and making the catalog available on a web page (paragraphs 0014 and 0036), which is held to constitute

delivering it; also, producing a catalog in paper format (paragraph 0012) or as a CD (paragraph 0013) implies delivering it, without which the effort of producing it would have little point. Batham does not expressly disclose associating the new data with respective selected views, but given the disclosure of storing new data and providing views for products, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious and implied advantage of having new products, or products with updated catalog entries, be shown with corresponding product views to attract interest and show what the products are like.

Batham does not disclose that the product content comprises XML files based on a Document Type Definition, but XML files based on a Document Type Definition are well known, as taught, for example, by Feldman (paragraph 0017). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the product content to comprise XML files based on a Document Type Definition, for at least the obvious and implied advantages of readily enabling content documents to be displayed in different computers with unique hardware and software capabilities while preserving the original format, and defining the embedded format codes to make this possible.

Batham does not expressly disclose previewing the catalog, but official notice is taken that it is well known to preview documents and websites. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to preview the catalog, for the obvious advantage of making sure

that the catalog was as it was supposed to be before printing thousands of copies at considerable expense, or making the catalog available to a large customer base through the Web.

Batham discloses generating a catalog template structure in accordance with document type definition (paragraphs 0012, 0055, 0056, and 0089); generating at least one real catalog object for an instance found of a catalog object (e.g., paragraphs 0075 and 0076); and identifying and extracting content from the database for generating said real catalog object for an instance (paragraphs 0034 through 0036; paragraphs 0075 and 0076). Batham (paragraphs 0055-0069) can be viewed as disclosing parsing and traversing the catalog template structure, but does not disclose evaluating, during said traversing, template objects found in the template structure as variables and catalog objects, wherein an object which is not a variable is considered a catalog object for evaluation; however, official notice is taken that it is well known to treat objects which are not variables as particular objects for evaluation. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to evaluate template objects as recited, for the obvious advantage of appropriately providing for all objects in a catalog to be supplied with appropriate data (e.g., pictures of items for sale, prices, descriptions of items for sale, etc., instead of blank spaces, or statements like "Insert picture here" where such information should be found).

As per claim 45, Batham discloses generating and updating a product structure, including storing new data (e.g., paragraphs 0036, 0070, and 0089); and updating data

which can include technical data and/or text descriptions for objects (paragraph 0070).

Batham does not expressly disclose updating product graphics for the objects, but official notice is taken that it is well known to update graphics. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to update product graphics for the objects, for the obvious advantage of attracting customers by displaying improved graphic images of products, or graphic images corresponding to new pictures of products.

As per claim 17, Batham discloses retrieving product information data from a back-end system (paragraphs 0034 through 0036); extracting a product text description containing at least one of in-line graphics and embedded graphics (paragraphs 0055 and 0066); and integrating graphics and product text description for forming an object of technical data (paragraphs 0055, 0057, 0066 and 0067). Batham discloses producing a catalog in appropriate format for publication, including Web publication (e.g., Abstract; paragraphs 0037, 0063, and 0087), making the mapping of the product information data into an appropriate format obvious, so as to make the disclosed publication of the catalog possible. Batham discloses uploading the database information as a Web publication (paragraphs 0014 and 0036) with images (paragraphs 0055, 0057, etc.), implying uploading the graphics. Batham does not expressly disclose storing said object of technical data in said database, but discloses storing requisite documents, including technical data, in the catalog database (paragraph 0067), and attaching and storing images (e.g., paragraphs 0055, 0066 and 0087), making it obvious to one of ordinary skill in the art, if not actually implied, to store the object of technical data in said

database, for at least the disclosed advantage of readily providing product entries from a catalog to online customers.

As per claim 18, Batham discloses defining sub-objects from respective parent objects in product text descriptions in accordance with given criteria (e.g., paragraph 0067). Batham does not expressly disclose that the step of uploading graphics comprises this, but providing the disclosed sub-objects (specification sheets, material safety data sheets, and other documents), or links thereto, as part of catalog entries for products would require defining the sub-objects from the parent objects.

As per claim 19, Batham discloses storing sub-objects under said respective parent objects (e.g., paragraph 0067), and processing the sub-objects to make them available is at the least obvious for the disclosed advantage of readily providing product entries from a catalog to online customers.

As per claim 20, Batham discloses retrieving product information data from a back-end system (paragraphs 0034 through 0036); extracting a product text description containing at least one of in-line graphics and embedded graphics (paragraphs 0055 and 0066); entering user defined product data into the database (e.g., paragraphs 0056 through 0062, 0066 and 0067); and integrating graphics and product text description for forming a structured text description (paragraphs 0056 through 0062, 0066 and 0067). Batham discloses producing a catalog in appropriate format for publication, including Web publication (e.g., Abstract; paragraphs 0037, 0063, and 0087), making the mapping of the product information data into an appropriate format obvious, so as to make the disclosed publication of the catalog possible. Batham discloses uploading the

database information as a Web publication (paragraphs 0014 and 0036) with images (paragraphs 0055, 0057, etc.), implying uploading the graphics. Batham does not expressly disclose storing said structured text description in said database, but discloses storing requisite documents in the catalog database (paragraph 0067), and attaching and storing images (e.g., paragraphs 0055, 0066 and 0087), making it obvious to one of ordinary skill in the art, if not actually implied, to store the structured text description in said database, for at least the disclosed advantage of readily providing product entries from a catalog to online customers.

As per claim 21, Batham discloses formatting the catalog (e.g., Abstract).

As per claim 23, official notice is taken that it is well known to replace variables by actual respective values. Hence, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to generate real catalog objects by replacing variables by respective values thereof, for at least the reasons set forth with regard to claim 14 above.

As per claim 24, Batham discloses links in catalog database to retrieve actual images or other documents (paragraphs 0034 and 0035), so that the links can be considered as variable constituents comprising external references, whereby said external references are located and transferred to be incorporated in the target real catalog object.

As per claim 25, Batham discloses identifying variable constituents in real catalog objects and fixing definitions for said variable constituents in the templates such that

target documents based on said templates include said definitions for the variables (paragraphs 0042 and 0052).

As per claim 26, Batham does not expressly disclose fixing said definition for said variable as a product name, but does disclose product in the catalog as being searchable by name (paragraph 0080), implying that product name is one of the variable which would be defined, as per claim 25; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to fix the definition for a variable as a product name, for the stated advantage of enabling users of the catalog to identify products for sale by product name.

As per claim 27, Batham does not expressly disclose fixing the definition for the variable as a query, but does disclose queries, users of the catalog being invited to enter ID codes, price ranges, and other data as queries (paragraphs 0036, 0073, and 0080), making it obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to fix the definition for a variable as a query, for the obvious advantage of providing for such queries to be made as disclosed.

As per claims 28 and 29, Batham discloses queries requiring retrieval and manipulation of data base contents (paragraphs 0036, 0073, and 0080), and (as per claim 28), Batham discloses database data fields (paragraphs 0034, 0039, 0052, 0053, 0054, etc.), so that retrieval and manipulation of data base contents would typically involve retrieval and manipulation of database data fields. Hence, claims 28 and 29 are obvious for the same reason as claim 27.



As per claim 30, Batham does not expressly disclose fixing the definition for the variable as a conditional command, depending for execution thereof on any local and global variables and data base contents, but Batham does disclose enabling users of the catalog to enter commands for search of the database, where execution of the commanded search would depend on various variables and data base contents (paragraphs 0073, 0080, and 0086), making fixing the variable as such a conditional command obvious, for the same reason as set forth above regarding claim 27.

As per claim 31, Batham discloses searches retrieving multiple catalog objects (e.g., claim 0080), and catalog objects are generated from multiple data records (e.g., paragraphs 0034 through 0036), making fixing the definition as recited obvious for the same reason as set forth above regarding claim 27.

As per claim 32, this is similar to claim 31; furthermore, Batham discloses multiple catalog sub-objects as parts of objects (paragraphs 0055 and 0067), making fixing the definition as recited obvious for the same reason as set forth above regarding claim 27.

As per claim 33, Batham discloses generating catalog sub-objects having the attributes of real catalog objects (paragraphs 0055 and 0067) (documents, descriptors, pictures, and other sub-objects would inherently have to have been generated to be attached or included).

As per claim 34, Batham can be viewed as defining global variables in generating a catalog structure (e.g., paragraphs 0034-0036), and defining local variables (paragraphs 0052-0056). Moreover, if needed, official notice is taken that it is well

known to define global variables and define local variables. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to define global and local variables as recited, for the obvious and disclosed advantages of creating a catalog structure, and populating it with particular data on particular products.

As per claim 35, Batham discloses generating an index list comprising references to selected objects (Abstract; paragraphs 0076, 0077, and 0095).

As per claim 36, Batham discloses publishing said catalog as at least one of a delivery database and a set of file directories (paragraph 0012).

As per claim 37, Batham discloses publishing a table of contents (Abstract; paragraphs 0076, 0077, and 0095), which constitutes publishing an organization of a product structure for the catalog and publishing an organization of a product structure for the respective selected views. Batham does not expressly disclose publishing an organization of definitions, styles, and product documents for the respective selected views, but official notice is taken that it is well known to publish organizations of structures in some detail; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to publish an organization of definitions, styles, and product documents for the respective selected views, for the obvious advantage of assisting people in finding desired information.

Claims 15, 16, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham and official notice as applied to claim 14 above, and further in view of Fisher et al. (U.S. Patent 5,392,066) and Lev et al. (U.S. Patent Application

Publication 2002/0102966). As per claim 15, updating product images is held to be obvious, as set forth above with regard to claim 45; entering product images into the database follows from the disclosed presence of product images in the database (e.g., paragraph 0034 of Batham). Fisher teaches manipulating graphics and combining overlay images to generate an integrated product image (column 4, lines 23-34), the generation of overlay image layers being implied by their use. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively generate overlays to the product graphics, for the obvious advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

Batham does not disclose extracting anchorable information units (AIU's) from the graphics, but Lev teaches extracting letters, symbols, etc., from images (Abstract), which qualify as AIU's (see the instant application, page 12, lines 20-24). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to extract AIU's from the graphics, for the obvious advantage of assuring that proper labels and symbols were associated with the product images corresponding to respective products.

As per claim 16, Fisher teaches generating an image layer including AIU's (column 4, lines 23-34), and transmitting the images including AIU's to be displayed (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious

advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

As per claim 43, Fisher teaches manipulating graphics and combining overlay images to generate an integrated product image (column 4, lines 23-34), the generation of overlay image layers being implied by their use. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively generate overlays to the product graphics, for the obvious advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

#### **Claim 38**

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. Claim 38 is largely parallel to claims 14 and 45 combined, and rejected on the same grounds set forth above for claims 14 and 45, with two exceptions, the first of them being the final clause of claim 38, regarding which: Batham discloses publishing a table of contents (Abstract; paragraphs 0076, 0077, and 0095), which constitutes publishing an organization of a product structure for the catalog and publishing an organization of a product structure for the respective selected views. Batham does not expressly disclose publishing an organization of definitions, styles, and product documents for the respective selected views, but official notice is taken that it is well known to publish organizations of

structures in some detail; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to publish an organization of definitions, styles, and product documents for the respective selected views, for the obvious advantage of assisting people in finding desired information.

The second exception is that claim 38 does not include the limitations added to claim 14 by the amendment of October 26, 2007; therefore, the last paragraph of the rejection of claim 14 set forth above does not apply, and it is not even necessary to rely on Batham's disclosure of generating a catalog template structure in accordance with document type definition, generating at least one real catalog object for an instance found of a catalog object, and identifying and extracting content from the database for generating said real catalog object for an instance, parsing and traversing the catalog template structure; nor on official notice that it is well known to treat objects which are not variables as particular objects for evaluation.

#### **Claims 39, 40, and 44**

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. Claim 39 is closely parallel to claim 14 in combination with claim 45, and rejected on essentially the same grounds set forth above for those two claims. Batham additionally discloses a computer with a memory (paragraphs 0030 and 0031); Batham's descriptions of what is done make obvious programming for causing the computer to do it.

Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham, Feldman, and official notice as applied to claim 39 above, and further in view of Fisher et al. (U.S. Patent 5,392,066) and Lev et al. (U.S. Patent Application Publication 2002/0102966). Claim 40 is closely parallel to claim 15, and rejected on essentially the same grounds. Claim 44 is closely parallel to claim 43, and rejected on essentially the same grounds.

**Claims 41 and 42**

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. Claim 41 is closely parallel to claim 1, and rejected on essentially the same grounds. Batham additionally discloses a computer with a memory (paragraphs 0030 and 0031); Batham's descriptions of what is done make obvious programming for causing the computer to do it.

As per claim 42, Batham discloses updating data which can include technical data and/or text descriptions for objects (paragraph 0070). Batham does not expressly disclose updating product graphics for the objects, but official notice is taken that it is well known to update graphics. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to update product graphics for the objects, for the obvious advantage of attracting customers by

displaying improved graphic images of products, or graphic images corresponding to new pictures of products.

### ***Response to Arguments***

Applicant's arguments filed October 26, 2007 have been fully considered but they are not persuasive. Applicant notes that Batham does not disclose the use of XML, a meta language for describing electronic document structure and content for data exchange, to which Examiner replies that XML is well known, as taught (for example) by Feldman, and would have been obvious for at least the advantage of data exchange, such as enabling product catalog content documents to be displayed in different computers with different hardware and software capabilities, and transmitted from one computer to others of different capabilities.

Applicant argues that Batham does not disclose templates, as recited in some of the claims. Applicant argues that Applicant's catalog documents are not fixed and are not limited to being displayed on a computer screen with a fixed screen layout. Examiner replies that Batham does disclose templates, and inserting particular objects into templates to produce catalogs (paragraphs 0012, 0055, 0056, 0075, 0076, and 0089, and elsewhere), and also that since Batham's catalogs can be printed or distributed as CD's, or produced in multiple formats (Abstract; paragraphs 0011-0013), they are not limited to being displayed on a computer screen with a fixed screen layout.

Applicant further argues that Lev is directed to an object identification for portable wireless devices, and does not disclose or suggest publishing said catalog as at least

one of a delivery database and a set file directories. Examiner replies that Lev was not relied upon to teach that, but to teach extracting data, such as letters and symbols from images.

Applicant argues that Applicant's methods for creating document structures and styles are neither disclosed nor suggested by Batham's catalog documents, nor by Feldman's documents. Examiner replies that Batham does disclose selecting catalog document style, notably in paragraph 0062. What Batham discloses may perhaps differ from Applicant's methods, but the claims do not recite Applicant's methods in detail, only reciting "publishing an organization of a product structure of definitions, styles, and product documents" for selected views of products, which does not appear to be much concerned with the styles of the documents. Even if Applicant contemplates methods for creating document structures and styles different from those of Batham, Applicant's thoughts on the matter are not claim limitations, even aside from the question of whether other prior art could be applied to make up for any deficiencies in Batham.

Applicant argues that Fisher fails to rectify the deficiencies of Batham and Feldman, but Examiner holds that Batham and Feldman are not as deficient as Applicant maintains, and that Fisher was relied upon only to teach selectively generating and adding overlays, combining image data and overlays, etc., and no reason is presented to consider the teachings of Fisher deficient for these purposes, or not pertinent to the claims at hand. Applicant may wish to consider the applicability of the Supreme Court's decision in the *KSR* case, in addition to such other precedents as *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) and *In re Fine*, 837



F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) to any possible further argument against the combination of references.

The Supreme Court has ruled in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007) that the teaching, suggestion or motivation test should not be applied as a rigid and mandatory formula that limits obviousness analysis through a formalistic conception of the words "teaching," "suggestion," and "motivation" or by overemphasis on the importance of published articles and explicit content of issued patents, since market demand, rather than scientific literature, often drives design trends, and granting patent protection to advances that would occur "in the ordinary course" without real innovation retards progress and may, in the case of patents combining previously known elements, deprive prior inventions of their value or utility (1385-1386).

To quote further from *KSR* (at 1386), "[R]igid application of preventative rules that deny fact finders recourse to common sense are neither necessary nor consistent with precedent."

The Court also noted in the *KSR* decision, "[I]f there is design need or market pressure to solve [a] problem, and there are [a] finite number of identified, predictable solutions, [a] person of ordinary skill in art has good reason to pursue known options within his or her technical grasp, and if this leads to anticipated success, it is likely product of ordinary skill and common sense, not innovation."

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

### ***Conclusion***

This is a Request for Continued Examination of applicant's Application No. 10/603,430. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nicholas D. Rosen*

NICHOLAS D. ROSEN  
PRIMARY EXAMINER

December 7, 2007